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ELECTION COMMISSION MINUTES

April 9, 2012

The Norman Election Commission of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 9th day of April, 2012, at 2:05 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

**Item 1. Roll Call.** City Clerk Hall called the roll.

MEMBERS PRESENT:	Robin Allen Nina Flannery Richard Hilbert Chairman Ty Hardiman
MEMBERS ABSENT:	Elizabeth Windes
STAFF PRESENT:	Brenda Hall, City Clerk

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**Item 2. Discussion and possible action on a complaint filed regarding a mailer paid for by the People for Ethical Treatment of Taxpayers.**

Chairman Hardiman stated at the April 2, 2012, Norman Election Commission (NEC) meeting, the Committee was made aware of mailer paid for by the People for the Ethical Treatment of Taxpayers (PETT) and a written complaint has been filed with the NEC by Mr. John Woods requesting NEC investigate and determine if a reporting violation occurred.

Ms. Brenda Hall, City Clerk, said since the last NEC meeting, she has made several inquiries trying to locate a contact person for the PETT to determine whether or not they meet the threshold to necessitate filing a campaign contribution and expenditure report. She said PETT would need to have spent and/or received \$500 in order to meet the threshold requirement and felt there was a possibility that PETT had met the threshold.

Ms. Hall said she still did not know the person associated with PETT or a contact person to speak to about the mailer, but was able to confirm that the piece was mailed through University Presort. She said she spoke to the owner of University Presort and was told only 657 mailers were sent out to residents in Ward 8. University Presort told Ms. Hall the cost for sending the mailers was \$215.00. Ms. Hall said she has spoke to six (6) printing companies in this area, i.e., Norman, Oklahoma City, and Chickasha but has not been able to confirm the company who printed the mailers. She said all but one of the companies confirmed they did not print the mailer and she is still waiting for a call-back from the Chickasha printing company. Ms. Hall said she will try to contact the Chickasha company again and request to speak to the owner/manager. Member Flannery asked if Ms. Hall could inquire at the post office about who hold the permit number for which the mailers were sent and Ms. Hall said that the post office can not disclose that information as it is private.

that PETT stayed just under the \$500 threshold as she has spoken to several people who seem to have an indication of who may have sent the mailer, although they are not sharing any names, and they indicated and felt the PETT has stayed under the \$500 threshold.

Ms. Hall said the mailers were in opposition of Mr. Chad Williams, Council Candidate Ward 8, who is still a candidate in the run-off scheduled for June 26, 2012. She felt quite certain if PETT sends out information for the run-off, in which case they would definitely meet the \$500 threshold and she would very much like to track down the contact person(s) before getting any further into the run-off timeframe.

Member Flannery asked if a copy of the mailer could be shown to a printing company in order to gain more knowledge about the costs etc, and Ms. Hall said yes, she would inquire with local printing companies. Ms. Hall said the mailer was not done in color and it did not have a glossy finish which would have cost more, but rather the mailer was done in a black matte finish. She said PETT could have gotten a discount with the company who printed the mailers and that information will not be known until a contact person with PETT is identified.

Chairman Hardiman said given some of the comments made by Councilmember Spaulding stating the Chad Williams campaign felt the mailer misrepresented some aspects of the Chad Williams' profession and that legal action might be forthcoming. He felt the contact person(s) for PETT may be more concerned with avoiding legal action taken against them and could be the reason why Ms. Hall is having a difficult time finding out pertinent information. Chairman Hardiman felt there is not a clear sign that PETT has exceeded the \$500 limit, given the searching Ms. Hall has done so far. He said the mailing cost is low enough and combined with what the printing fees might be it seems very possible that the PETT stayed within the \$500 requirement. Chairman Hardiman said the next step would be to turn this issue over to the City Attorney's Office but felt the City Attorney may be reluctant to take this issue any further if the NEC did not have proof that the PETT has violated the ordinance.

Ms. Hall felt the PETT contact(s) has purposely done everything to remain anonymous; by staying under the \$500.00 threshold so they would not have to file a campaign contribution and expenditure report and paying University Presort in cash. She said University Presort owner indicated since the mailing service was paid for in cash their records only reflect the contact as being PETT, not a specific contact *person*, and he did not know the name of the woman who paid.

Member Hilbert asked about Mr. Woods and Ms. Hall said Mr. Woods is a resident of Ward 8, received the mailer in question at his home, and is the executive director for the Norman Chamber of Commerce.

Member Hilbert stated Mr. Woods complaint read "í easily expending in excessí " and asked whether or not Mr. Woods should demonstrate that fact in some way. Ms. Hall felt Mr. Woods was making a determination based on the assumption that the mailers were sent to ALL residents of Ward 8, approximately 2,800 households, rather than the 657 mailers actually mailed. She said 2,800 mailers would most definitely exceed the \$500.00 threshold.

Member Allen noticed the mailer Ms. Hall presented to NEC had her address on it and Ms. Hall said she lives in Carrington Place which is in Ward 8. Ms. Hall said over the last year Cascade Estates,

states Additions have had some type of rezoning issue next to their neighborhood and were unhappy with Council's decision. Ms. Hall felt the PETT targeted specific areas, but that was a huge assumption on her part.

Member Allen said since the fee charged by University Presort was \$215, the cost of the 657 mailers would have to be \$0.43 each or less in order to not exceed the \$500 limit. Chairman Hardiman requested Ms. Hall contact some printing companies and find out what they would charge for a similar mailer. He said he is not leveling judgment against PETT and felt the group has probably done what is allowed by ordinance.

Chairman Hardiman felt the NEC could not take any action against PETT at this time without further information/proof. Ms. Hall said the PETT would not be able to send another mailer for Ward 8 run-off campaign or they would most likely go over the \$500 and have to file a campaign and expenditure report. She said she was contacted by a Ward 8 citizen who wanted to circulate a flyer, as an individual and not with any political group or committee, rebutting the PETT mailer and asked the requirements and guidelines.

Member Allen said she had recently taken some mail to University Presort and asked the owner stated he felt and/or thought the Warwick Homeowners Association sent out the mailer. Ms. Hall said she has contacts for the Warwick Homeowners Association and she will contact them.

Member Flannery felt NEC should write a letter to Mr. Woods reporting the steps that have been taken regarding his complaint against PETT but based on the information found at this time the NEC will not be taking any action and Chairman Hardiman agreed. Ms. Hall said she would prepare a letter to be mailed to Mr. Woods and felt it was important to keep trying to find the PETT contact person.

Chairman Hardiman requested Staff prepare and send a letter to Mr. Woods and continue investigating the complaint. Ms. Hall reminded Chairman Hardiman that this complaint and the results of this complaint will need to be included in the preliminary and final general election reports to Council.

Items submitted for the record

1. City of Norman, Norman Election Commission Complaint Form submitted by Mr. John Woods to the City Clerk's Office, dated April 2, 2012

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**Item 3. Miscellaneous Discussion.**

Chairman Hardiman asked when NEC would need to submit report(s) to Council and Ms. Hall said the general election report would need to be submitted to Council within 40 days from the April 3, 2012, election which will be May 8, 2012. Likewise the final report would need to be submitted to Council within 40 days of the June 26, 2012, election. Chairman Hardiman said the general election report will be considered by the current-seated Council and the final report will be considered by the 2012-2013 Council. Ms. Hall said that was correct and said the next NEC meeting is scheduled for April 23, 2012, to discuss the general election report as well as any new information pertaining to

7. She said if the Commission requested any changes to the report another NEC meeting would be scheduled on April 30, 2012, to consider and approve the changes prior to submitting it to Council.

Ms. Hall said in years past, the NEC Chair has always written the report but asked if this Commission would like Staff to submit a report to NEC as a whole for approval. Chairman Hardiman felt Staff needed to be very heavily involved in the preparation of the report(s) because of past concerns regarding proper reports and he will work with Staff on the report(s). He said the report(s) will be given to the Commission as a whole to be considered and approved, and if approved will be given to Council for consideration.

Items submitted for the record

1. Mailer entitled, "Strings Attached? You Decide paid for by the People for the Ethical Treatment of Taxpayers
2. Complaint filed April 2, 2012, by John Woods

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**Item 6. Adjournment.**

Member Flannery moved that the meeting be adjourned, which motion was duly seconded by Member Hilbert and the question being upon adjourning the meeting, a vote was taken with the following result:

YEAS: Members, Allen, Flannery, Hilbert,  
and Chairman Hardiman

NAYES: None

Chairman Hardiman declared the meeting be adjourned at 2:49 p.m.